



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

MICULKA et al.

Serial No.: 10/644,592

Filed: August 19, 2003

For: PENTOPYRANOSYLNUCLEOSIDE,
ITS PREPARATION AND USE

Group Art Unit: 1623

Examiner: Not yet assigned

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97–1.98, information relating to the above–identified application is hereby disclosed. The accompanying Form PTO–1449 provides a listing of documents that may be relevant to the subject application.

It is requested that the Examiner fully consider the art cited in the accompanying Form 1449, initial the left–most column of the form adjacent each cited reference, and return a copy for Applicants' records. It is further requested that the art be cited on the cover of any patent issuing from the subject application.

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b),
that is (1) within three months of the filing date of the application, which is not a continued

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Cynthia Pacheco
Cynthia B. Pacheco

prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

In accordance with § 1.98(d), copies of some or all of the references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the Patent and Trademark Office in one or more of the prior U.S. Applications: U.S. Application Serial No. 09/509,058, filed on July 27, 2000, by MICULKA, Christian et al., for which a claim for priority has been made in the instant application. Accordingly, Applicants will provide duplicate copies in respect of the present case only if the Examiner so desires.

This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made. Nor does this statement constitute an admission by Applicants or Applicants' agent that the information provided herein is necessarily prior art to Applicants' invention. Moreover, Applicants reserve the right to establish the patentability of the claimed invention over any of the listed documents should they be applied there-against as references. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: August 27, 2004

By Diane K. Wong
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|------------------------|------------------|
| Application Number | 10/644,592 |
| Filing Date | August 19, 2003 |
| First Named Inventor | Miculka et al. |
| Group Art Unit | 1623 |
| Examiner Name | Not yet assigned |
| Attorney Docket Number | 612,406-035 |

U.S. PATENT DOCUMENTS

| Examiner Initials * | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| Examiner Initials * | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ₆ |
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| | | Application Number | 10/644,592 | | |
| | | Filing Date | August 19, 2003 | | |
| | | First Named Inventor | Miculka et al. | | |
| | | Group Art Unit | 1623 | | |
| | | Examiner Name | Not yet assigned | | |
| Sheet | 2 | of | 4 | Attorney Docket Number | 612,406-035 |

| OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS | | | |
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| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume–issue number(s), publisher, city and/or country where published. | T ² |
| | BK | ADACHI, Chihaya, et al. "Durability Characteristics of Aminopyrene Dimer Molecules as an Emitter in Organic Multilayered Electroluminescent Diodes." Jpn. J. Appl. Phys. 35: 4819-25 (Sep., 1996). , 35 | |
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| | BW | ADAMS, David R., et al. "Preparation and Anti-HIV activity of N-3- Substituted Thymidine Nucleoside Analogs." J. Med. Chem. 40: 1550-58 (1997); Abstract published Apr. 1, 1997. , 40 | |
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| | CI | XIA, Xiaoyang, et al. "Stereo-controlled Synthesis of [bgr]-2'- deoxyprimidine Nucleosides via Intramolecular Glycosolations." <i>Tetrahedron Letters</i> 38(7): 1111-14 (1997). , <i>Tetrahedron Letters</i> | |

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OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

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|------------------------|--------------------------|---|----------------|
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